



# Department of Justice

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## **FORMER NATIONAL SECURITY ADVISOR SAMUEL BERGER PLEADS GUILTY TO KNOWINGLY REMOVING CLASSIFIED INFORMATION FROM THE NATIONAL ARCHIVES**

WASHINGTON, D.C. - Assistant Attorney General Christopher A. Wray of the Criminal Division announced today that former National Security Advisor Samuel R. Berger has pleaded guilty to a charge of knowingly removing classified documents from the National Archives and Records Administration.

Berger entered a guilty plea this morning at federal court in Washington, D.C. to one count of violating 18 U.S.C. § 1924, a misdemeanor. As part of his plea agreement, Berger has agreed to cooperate with the government concerning his activities at the National Archives.

According to the facts admitted during his guilty plea, Berger was reviewing classified documents at the National Archives in July, September and October of 2003 in connection with requests for documents made by the National Commission Investigating Terrorist Attacks Upon the United States (the 9-11 Commission). On September 2, 2003, and again on October 2nd, Berger concealed and removed a total of five copies of classified documents from the Archives. The documents were different versions of a single document. Berger, who possessed a United States government security clearance and was aware of the laws and rules regarding classified documents, knew he was not authorized to remove the classified documents from the Archives.

Berger took the documents to his office in the District of Columbia, where he destroyed three of the copies. Soon after the October visit, the Archives discovered that documents were missing and, two days later, contacted Berger. Initially, Berger did not tell the Archives staff that he had taken the documents but later that night told Archives staff that he had "accidentally misfiled" two of them. The next day, he returned to Archives staff the two remaining copies of the five documents.

he had taken during the September and October visits. Each of the five copies of the document was produced to the 9-11 Commission in due course.

In his plea, Berger also admitted that he concealed and removed his handwritten notes from the Archives prior to a classification review, in violation of Archives rules and procedures. Those notes have been returned to the government.

Berger faces a maximum sentence of up to one year in jail, a \$100,000 fine and a year of supervised release. According to the plea agreement, Berger has agreed to cooperate with the government and to surrender his security clearance.

The case was investigated by Special Agents of the Washington Field Office of the Federal Bureau of Investigation and the Inspector General of the National Archives and Records Administration, and was prosecuted by Criminal Division Trial Attorneys Thomas Reilly of the

Counterespionage Section, which is headed by Section Chief John Dion, and Howard Sklamberg of the Public Integrity Section, which is headed by Section Chief Noel Hillman.

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